

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Baxter Healthcare Corporation, et al.,

No. C 07-1359 PJH (JL)

Plaintiffs,

v.

**ORDER GRANTING IN PART MOTION
TO COMPEL PRODUCTION OF E-MAIL
(Docket # 121)**

Fresenius Medical Care Holding, Inc.,

Defendants.

The Court considered the parties' joint statement regarding Plaintiff's motion to compel the immediate search for and production of e-mail. The Court finds this matter suitable for decision without a hearing as provided by Civil Local Rule 7-1(b).

The parties engaged in efforts to resolve their dispute from August through November 2007. The next proceeding in this case is the tutorial, scheduled for June 20, 2008. The claim construction (*Markman*) hearing is in July 2008.

This Court considered the statements of both sides and hereby orders that Defendant produce responsive e-mails either authored or received by the ten "key" employees Defendant identified, including but not limited to: the head of Research and Development, engineering director, marketing vice-president, senior software engineer, senior product manager, and clinical nurse trainer. These shall be produced on a rolling basis to Plaintiff, all production to be completed on or before January 4, 2008.

1 Defendant shall preserve all responsive e-mails of all employees pending possible
2 renewal of the motion to compel by Plaintiff after review of the e-mails produced in
3 response to this Order.

4 IT IS SO ORDERED.

5 DATED: November 30, 2007

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8 JAMES LARSON
9 Chief Magistrate Judge
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